



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
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Christopher DeLacy, Esquire
Holland & Knight LLP
2099 Pennsylvania Ave., N.W., Ste. 100
Washington, DC 20006-6801

AUG 19 2009

RE: MUR 6054
Brad S. Combs

Dear Mr. DeLacy:

On August 26, 2008, the Federal Election Commission notified your client, Brad S. Combs, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on June 23, 2009, found that there is reason to believe Brad S. Combs violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Your client may submit any factual or legal materials that he believes are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. ☐

Please note that your client has a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

If your client is interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause

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conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Jack Gould, the attorney assigned to this matter, at (202) 694-1650.

On behalf of the Commission,


Steven T. Walther
Chairman

Enclosures
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

Respondent: Brad S. Combs

MUR 6054

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Citizens for Responsibility and Ethics in Washington, Melanie Sloan, Carlo A. Bell, and David J. Padilla. See 2 U.S.C. § 437g(a)(1).

II. FACTUAL AND LEGAL ANALYSIS

Brad S. Combs is a finance manager for Venice Nissan Dodge ("VND"), an automobile dealership in which Representative Vernon G. Buchanan holds a financial interest. The complaint alleges that employees of VND were reimbursed with corporate funds for making contributions to Representative Buchanan's 2006 congressional campaign. The complaint also alleges that employees were coerced into making contributions to Representative Buchanan's campaign.

Attached to the complaint were sworn affidavits from two former VND employees, Carlo A. Bell (finance director) and David J. Padilla (finance manager). Mr. Bell stated in his affidavit that his supervisor, Don Caldwell (VND's General Manager), told him and two other VND employees, Jack Prater (sales manager) and Jason A. Martin (finance manager), that they "needed to contribute to the campaign of Vern Buchanan." Affidavit of Carlo A. Bell ("Bell Aff.") ¶¶ 2, 3. According to Mr. Bell, "Mr. Caldwell was holding cash in his hand at the time and said that the company would reimburse us for our contributions. He (Caldwell) explained that the

1 company would give us \$1,000 in cash in exchange for our writing \$1,000 checks to the
2 Campaign.” *Id.* ¶ 3.

3 Mr. Bell stated that this did not seem right to him and he asked Mr. Caldwell if it was
4 legal. According to Mr. Bell, “Mr. Caldwell did not answer my question, instead asking me if I
5 was on the team or not.” *Id.* ¶ 4. Mr. Bell stated that he was afraid he might lose his job if he
6 refused, so he replied that he was part of the team and agreed to write the check. *Id.* Mr. Bell
7 further stated that Mr. Caldwell then gave him, as well as Messrs. Prater and Martin, \$1,000 in
8 cash. *Id.* ¶ 5. Mr. Bell also stated that he later discovered that two other VND employees,
9 Marvin L. White (VND used car manager) and William F. Mullins (a VND salesman), also
10 received \$1,000 cash reimbursements when they agreed to write checks to the Buchanan
11 campaign. *Id.* ¶ 8. Messrs. Prater, Martin, White, and Mullins each wrote a check in the amount
12 of \$1,000 to Vern Buchanan for Congress (“VBFC”) on September 16, 2005, and Mr. Bell wrote
13 his \$1,000 check to VBFC on September 17, 2005.¹

14 David J. Padilla stated in his sworn affidavit that he was informed by Brad Combs (VND
15 finance manager) that then-candidate Buchanan needed campaign contributions and that “anyone
16 who made a contribution would get his money back plus additional compensation.” Affidavit of
17 David J. Padilla (“Padilla Aff.”) ¶ 2. Mr. Padilla further stated Mr. Combs asked him “if I
18 wanted in on the deal,” to which Mr. Padilla replied, “you have to be out of your mind.” *Id.* ¶ 3.
19 Mr. Padilla stated that he told Mr. Combs that “accepting reimbursement for making a campaign
20 contribution is against the law.” *Id.* According to Mr. Padilla, Mr. Combs also told him “all of
21 the managers were being asked to contribute and that many were planning to accept

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1 reimbursements in exchange for contributions.” *Id.* ¶ 4. Mr. Padilla further stated that Mr. Bell
2 told him that he accepted reimbursement for making a contribution to the Buchanan campaign
3 and that he later discovered that several other VND employees, including Jack Prater and Jason
4 Martin, had been reimbursed for making contributions to the Buchanan campaign. *Id.* ¶¶ 5, 6.

5 The response to the complaint filed by Brad S. Combs and other parties (“Combs
6 Response”), dated October 17, 2008, contained identically-worded sworn affidavits by Jason A.
7 Martin, Jack Prater, Marvin L. White, and William F. Mullins, who are currently employed by
8 VND. *See* Combs Response, Exhibits A-D. Each employee stated that they “made the donation
9 of my own free will and was not pressured, coerced or forced by anyone to make the donation.”
10 Each employee further stated, “I was not reimbursed by anyone for making my contribution to
11 the campaign of Vern Buchanan.”

12 Mr. Combs, in a sworn affidavit submitted in a supplemental response to the complaint,
13 dated February 11, 2009, stated that he “did not coerce, or attempt to coerce, David J. Padilla into
14 making contributions to the Buchanan campaign.” Mr. Combs further stated that he “did not
15 reimburse, or attempt to reimburse, David J. Padilla for contributions to the Buchanan
16 campaign.” *See* Combs Aff. ¶¶ 4, 5. However, Mr. Combs did not refute Mr. Padilla’s
17 statements that Mr. Combs told him: “Mr. Buchanan needed campaign contributions and that
18 anyone who made a contribution would get his money back plus additional compensation,” and
19 asked him “if I wanted in on the deal.” Affidavit of David J. Padilla (“Padilla Aff.”) ¶¶ 2, 3.

¹ VBFC reported receiving \$1,000 contributions from Messrs. Bell, Prater, Martin, White, and Mullins on September 28, 2005.

1 In addition to the affidavits, the Combs Response included a partial transcript of a
2 televised interview with Mr. Padilla, wherein Mr. Padilla stated that he was not asked to make
3 political campaign contributions to Buchanan, but he heard "that went on."² See Combs
4 Response, Exhibit E. The Combs Response asserts that Mr. Padilla's statement contradicts what
5 he said in his affidavit. Combs Response at 2. However, Mr. Padilla may not have considered
6 being asked if he "wanted in on the deal" to serve as a straw donor and obtain "additional
7 compensation," to be the same as being asked to make a contribution, in which case he would
8 spend \$1,000 of his own money.

9 A DVD of the televised news story, which included Mr. Padilla's interview, was provided
10 with the Combs Response as well. The news story discussed the complaint in this matter and
11 included a short video clip of an interview with Mr. Bell that apparently aired during a prior
12 broadcast. In that interview, Mr. Bell stated, "I was given \$1,000 in cash and told to write a
13 check for \$1,000 to his campaign fund." The news story also includes a short statement made by
14 Mr. Martin, who is VND General Manager Don Caldwell's nephew. Mr. Martin, who Mr. Bell
15 said was present at the meeting where they were told they would be reimbursed for making a
16 contribution to the Buchanan campaign, stated that he "didn't feel like anyone was pressured and
17 I specifically was not pressured to do anything like that."

18 The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits the
19 making of contributions in the name of another person. 2 U.S.C. § 441f. The Commission's
20 regulations also prohibit a person from knowingly assisting another person in making a
21 contribution in the name of another. See 11 C.F.R. § 110.4(b)(1)(iii).

² VBFC's disclosure reports do not show any contributions from Mr. Padilla.

1 Based on the available information, it appears that Mr. Combs may have assisted VND in
2 making contributions in the names of VND employees. According to Mr. Padilla, Mr. Combs
3 came to Mr. Padilla's office and told him that "Mr. Buchanan needed contributions and that
4 anyone who made a contribution would get his money back plus additional compensation."

5 Padilla Aff. ¶ 3. Mr. Padilla also stated that Mr. Combs asked him if he "wanted in on the deal."

6 *Id.* ¶ 4. Mr. Combs denies coercing or attempting to coerce Mr. Padilla into making a
7 contribution, or reimbursing, or attempting to reimburse Mr. Padilla for making a contribution.

8 Combs Aff. ¶¶ 4, 5. Mr. Combs does not, however, deny telling Mr. Padilla that Mr. Buchanan
9 needed campaign contributions, nor does he deny raising the subject of reimbursements. In fact,
10 according to Mr. Padilla, Mr. Combs told him "all of the managers were being asked to

11 contribute and that many were planning to accept reimbursements in exchange for contributions."

12 Padilla Aff. ¶ 4.

13 **III. CONCLUSION**

14 Based on the foregoing, the Commission finds there is reason to believe that Brad
15 S. Combs violated 2 U.S.C. § 441f.

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